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**FILED**

**JUL 25 2018**

U.S. MAGISTRATE JUDGE  
DISTRICT OF NEVADA

BY \_\_\_\_\_ DEPUTY

6 *Representing the United States of America*

7 **UNITED STATES DISTRICT COURT**  
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

**3:18-mj-115-WGC**

9 Plaintiff,

**COMPLAINT FOR VIOLATION OF:**

10 v.  
11 HASEEB UR REHMA MALIK, and  
12 ABDUL MAJID,

Title 21, United States Code, Sections  
841(a)(1) and (b)(1)(A)(ii)(II) and (viii)—  
Possession with the Intent to Distribute a  
Controlled Substance—Cocaine and  
Methamphetamine (Count One)

13 Defendants.

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15  
16 BEFORE the Honorable William G. Cobb, United States Magistrate Judge, Reno,  
17 Nevada, the undersigned complainant being first duly sworn states:

18 **Count One**

19 (Possession with the Intent to Distribute a Controlled Substance—Cocaine and  
20 Methamphetamine)

21 On or about July 19, 2018, in the State and District of Nevada, HASEEB UR REHMA  
22 MALIK and ABDUL MAJID, defendants herein, did knowingly and intentionally possess with  
23 the intent to distribute at least five (5) kilograms or more of a mixture or substance containing a  
24 detectable amount of cocaine, a Schedule II controlled substance and at least 500 grams or more

1 of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II  
2 controlled substance; all in violation of Title 21, United States Code, Sections 841(a)(1) and  
3 841(b)(1)(A)(ii)(II) and (viii).

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5 Complainant as a Special Agent with the Drug Enforcement Administration states there  
6 is probable cause to arrest the above-named defendants as set forth in the attached affidavit.

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1 AFFIDAVIT OF KAREN E. ROSSI

2 IN SUPPORT OF WARRANT APPLICATION

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4 1. I, KAREN E. ROSSI of the Drug Enforcement Administration (DEA), Reno,  
5 Nevada, being duly sworn, state as follows:

6 2. I am currently assigned as a Special Agent with the DEA Reno Resident Office.  
7 I am a Special Agent of the United States Department of Justice, DEA, and have been so  
8 employed since May of 1988. During my employment with the DEA, I have been assigned to  
9 the Los Angeles Field Division, Santa Barbara Resident Office, and am currently assigned to the  
10 Reno Resident Office in Reno, Nevada, since September 1996.

11 3. I received specialized training at the DEA training academy located in Quantico,  
12 Virginia, in regards to the identification of narcotic substances and the operation of drug  
13 trafficking organizations. I have been involved in the investigations of various individuals and  
14 organizations involved in the manufacturing, distribution, and use of controlled substances. I  
15 have participated in the preparation of affidavits and execution of numerous search and arrest  
16 warrants for violations of Federal and State Drug Laws during my approximate 30 years of  
17 federal law enforcement. I have conducted surveillance operations and have become familiar  
18 with the methods used by individuals engaged in manufacturing, trafficking, and use of  
19 controlled substances.

20 4. During the course of my law enforcement career with DEA, I have worked in the  
21 company of other experienced law enforcement officers and have discussed their investigative  
22 techniques and their investigative experiences. I also have had numerous contacts with other law  
23 enforcement agents and police officers concerning the methods used by persons dealing in  
24 controlled substances. My experience includes contacts with people associated with the illegal

1 trafficking of controlled substances and knowledge of their methods used in obtaining, storing,  
2 manufacturing, transporting, and distributing illegal narcotics as well as their record keeping  
3 practices in concealment of the proceeds derived from the sale of controlled substances.

4 5. The information contained in this affidavit is based upon my personal  
5 observations, investigation or information relayed to me by other law enforcement officers. The  
6 information provided in this affidavit is not each and every fact known to me, but rather,  
7 sufficient information to establish probable cause.

8 6. Because this affidavit is being submitted for the limited purpose of establishing  
9 probable cause for the issuance of a criminal complaint, I have not set forth each and every fact  
10 I learned as a result of this investigation. Rather, I have set forth only those facts I believe are  
11 necessary to establish probable cause that a violation of federal law has been committed.

12 7. Based on the investigation described in this affidavit, there is probable cause to  
13 believe that HASEEB UR REHMA MALIK ("Malik") and ABDUL MAJID ("Majid") did  
14 commit the following offenses which violate federal criminal law, specifically, Possession with  
15 the Intent to Distribute a Controlled Substance—Cocaine and Methamphetamine, in violation of  
16 Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(ii)(II) and (viii).

17 **FACTS SETTING FORTH PROBABLE CAUSE**

18 8. On July 19, 2018, at approximately 9:04 PM, Trooper Chris Garcia observed a  
19 Commercial Motor Vehicle (CMV) traveling Northbound on US93 near mile marker 58 White  
20 Pine. He visually estimated the CMV to be travelling 70 miles per hour (MPH) which is in excess  
21 of the 60 MPH posted speed limit. He confirmed the vehicle to be traveling at 71 MPH by Radar  
22 and locked the target vehicle's speed in at 71 MPH on his Radar. Trooper Garcia conducted an  
23 enforcement stop on the CMV, the driver brought the CMV to a stop at approximately mile

1 marker 59 White Pine. The aforementioned location is in the County of White Pine, State of  
2 Nevada.

3       9.      Trooper Garcia made a passenger side approach to the vehicle, the dirt shoulder  
4 in the area of the stop was steep, making it difficult for him to make contact with the unknown  
5 number of occupants in the CMV. The engine of the CMV was still on while he was standing at  
6 the passenger door attempting to make contact, the driver eventually moved to where Trooper  
7 Garcia could see him at the passenger side window. Trooper Garcia asked him "do you mind  
8 opening this" referring to the door, the driver then opened the passenger door. Trooper Garcia  
9 then stepped up on to the steps for ease of contact. Trooper Garcia asked the driver if there was  
10 anyone in the back and observed the curtains to the sleeper area to be closed. The driver indicated  
11 that his co-driver was in the back and Trooper Garcia had the driver open the curtain and  
12 observed a male subject in the sleeper area of the tractor. He identified himself as Trooper Garcia  
13 with the Highway Patrol and advised the driver that the reason for the stop was his speed. During  
14 his contact with the occupants, he detected the odor consistent with that of marijuana emitting  
15 from within the passenger compartment and /or driver. He asked the driver for his license and  
16 paperwork. While he was retrieving the requested items, Trooper Garcia asked if they had any  
17 marijuana in the truck which the driver quickly denied. He then asked the other occupant if he  
18 had any marijuana, and the passenger also denied having any. Trooper Garcia asked the driver  
19 if he smokes and the driver indicated that he does smoke. As Trooper Garcia was referring to  
20 marijuana, he clarified by asking the driver if he smokes marijuana, he again denied it. The  
21 trooper then asked if he smokes on his days off and the driver admitted to smoking marijuana  
22 by saying "yeah in Calgary, yeah." Trooper Garcia then asked the other occupant if he also  
23 smokes weed, he stated that he does sometimes. The trooper asked if they had a little bit in the  
24 truck still and advised them that the truck smells like it. The driver then admitted to having some

1 marijuana in the truck that morning. Trooper Garcia asked him where it was, he indicated that  
2 he had it in his pack of cigarettes, but that he threw the rest of it out. The driver also admitted to  
3 smoking marijuana earlier in the day, approximately six (6) or seven (7) hours earlier. Trooper  
4 Garcia then returned to his patrol vehicle.

5 10. The driver of the CMV was identified by his Alberta Driver's License as Malik,  
6 Haseeb Ur Rehma, "Malik." The second occupant was later identified by his Canadian Passport  
7 and his Alberta Operator's License as Majid, Abdul, "Majid." When Trooper Garcia returned  
8 to his patrol vehicle, he made contact with Commercial Trooper A. Zehr #201 inquiring about  
9 the situation involving the marijuana and a CMV. Trooper Zehr advised that it is an automatic  
10 24-hours out of service and that they would be able to do a probable cause search. As Trooper  
11 Garcia is not a commercial trooper and did not have any commercial enforcement specific  
12 certifications, he was unsure if he was able to place the driver out of service or if a commercial  
13 unit was needed. Trooper Zehr indicated that after he was done with the stop he was on, that he  
14 would be en route to assist Trooper Garcia. Trooper Zehr arrived on scene of the stop at  
15 approximately 9:36 PM and remained on scene throughout the remainder of the contact. Trooper  
16 Garcia advised Trooper Zehr of the specifics of the stop. The troopers then went to the CMV and  
17 had both occupants exit. Trooper Zehr asked Malik and Majid who smoked the marijuana. Malik  
18 the driver, admitted to Trooper Zehr that he was the one who smoked it, this time he indicated  
19 that it was three (3) or four (4) hours earlier. Trooper Zehr inquired as to where the marijuana  
20 was. Malik again claimed that he threw it out. Majid then asked Malik if he was sure that it  
21 wasn't inside in the garbage or in the pack still, Malik continued to say that he was sure he threw  
22 it out.

23 11. Trooper Zehr advised Trooper Garcia that they had probable cause to search the  
24 CMV as it is a zero tolerance to possess or be under the influence of Marijuana in a CMV and

1 that according to Commercial Federal Regulations adopted by the state of Nevada under NAC  
2 706.247, they should place the driver out of service for 24 hours. According to the Federal Motor  
3 Carrier Safety Act, "Marijuana continues to be classified as a Schedule I controlled substance by  
4 the Drug Enforcement Administration (DEA) in 21 CFR § 1308.11. Under the Federal Motor  
5 Carrier Safety Regulations (FMCSRs), a person is not physically qualified to drive a CMV if he  
6 or she uses any Schedule I controlled substance such as marijuana. (See 49 CFR §§ 391.11(b)(4)  
7 and 391.41(b)(12)). In addition to the physical qualification requirements, the FMCSRs prohibit  
8 a driver from being in possession of or under the influence of any Schedule I controlled  
9 substance, including marijuana, while on duty, and prohibit motor carriers from permitting a  
10 driver to be on duty if he or she possesses, is under the influence of, or uses a Schedule I  
11 controlled substance. (See 49 CFR §§ 392.2 and 392.4)" Furthermore, the legalization of  
12 marijuana use by States and other jurisdictions does not supersede the federal regulations that  
13 govern the trucking industry. Based on this information, Trooper Garcia began a probable cause  
14 search of the CMV.

15 12. During the search of the sleeper area, Trooper Garcia opened a built in cabinet  
16 and observed white plastic trash bags containing numerous items that appeared to be similar in  
17 shape and size. At first look it looked like the trash bags possibly contained paperback books.  
18 Trooper Garcia removed one of the unknown items out of one of the bags and observed it to be  
19 one of multiple items that were similar in shape and size. The packaging on the exterior consisted  
20 of masking tape, which based on Trooper Garcia's training and experience, was consistent with  
21 that of illegal narcotic packaging. He placed the package back in the bag, exited the CMV and  
22 directed Trooper Zehr to the cabinet to see the located items. Once Trooper Zehr located the said  
23 items, he asked for a knife. Trooper Zehr made a small cut into one of the packages which  
24 revealed a white powdery substance.

1       13.    Trooper Zehr retrieved a NIK Type G Test kit from his patrol vehicle and used  
2 the kit test on a sample of the white powdery substance that he removed from the package he cut  
3 into. The substance tested presumptively positive for the presence of Cocaine. Trooper Garcia  
4 then advised Malik and Majid that they were both under arrest and read them their *Miranda*  
5 warnings. Both invoked their rights indicating they did not want to answer any questions. The  
6 troopers decided that based on the suspected amount of illegal narcotics present that they would  
7 stop the search at the located items, have the CMV transported to town, seal the CMV and apply  
8 for a search warrant.

9       14.    Trooper Zehr placed Nevada Highway Patrol trailer seal no. 0001433 on the  
10 CMV's trailer. Battleborn Towing arrived on scene to transport the CMV to their tow yard  
11 located in Ely. Trooper Garcia followed the CMV as it was transported to the tow yard,  
12 maintaining visual contact with the CMV until it arrived at the tow yard. Trooper Garcia then  
13 sealed the CMV pending a search warrant. He applied for a search warrant from the Ely Justice  
14 Court Justice of the Peace Stephen Bishop. Justice of the Peace Stephen Bishop granted the  
15 search warrant of the 2018 Freightliner Cascadia Alberta commercial registration E11142 and  
16 the attached 53' white box trailer with Alberta commercial registration 5MR394.

17       15.    At approximately 12:49 AM on July 20, 2018, Trooper Garcia and Trooper Zehr  
18 executed the search warrant on the aforementioned CMV. During the search of the tractor, in the  
19 same cabinet the suspected Cocaine was located in, there was packaging items including a box  
20 of white plastic trash bags, two pair of latex gloves, packing tape, and items possibly used to  
21 conceal odor including large packs of Cayenne Pepper and three cans of Glade air freshener. The  
22 located box of white plastic trash bags was consistent with that of which the suspected Cocaine  
23 was located. Cayenne pepper is known to be used in the packaging process of illegal narcotics  
24 in an attempt to conceal the odor of illegal narcotics from law enforcement and/or law

1 enforcement canines. Located in a black garbage bag in the tractor was a pair of gloves that  
2 appeared to have been used, as they were turned inside out, the gloves appeared to match the two  
3 pair of latex gloves located in the cabinet with the packaging supplies.

4 16. Trooper Garcia raised the lower bed which revealed a storage area under the bed.  
5 Located in the center of the storage area were two (2) large suitcases black and blue in color.  
6 Upon opening the suitcases, both contained numerous packages wrapped in a saran wrap type  
7 plastic. The packaging was consistent with that of packaging of illicit controlled substances for  
8 transport. Both suitcases and their contents were taken for evidence. On the top bunk in the  
9 sleeper, Trooper Garcia observed blankets stacked on top of unknown items that were toward  
10 the passenger side of the sleeper area. Upon moving the blankets, he observed three black duffel  
11 bags. Upon opening the duffel bags, all three duffel bags contained numerous packages sealed  
12 in Food Saver type packaging, the packaging was consistent with that of packaging of illicit  
13 controlled substance for transport. Upon closer look, the troopers found that some of the  
14 packages had been cut into. The three black duffel bags and their contents were taken for  
15 evidence.

16 17. On July 20, 2018, Trooper Garcia along with Trooper K. Barney, Trooper T.  
17 Deeds, Trooper E. Boynton, Sgt. Brewer and Detective T. Sifre processed the suspected  
18 controlled substances which included testing, weighing, labeling and sealing for evidence. The  
19 two substances identified by presumptive testing were Cocaine and Methamphetamine. At the  
20 conclusion of the packaging, testing and weighing process it was determined that a total of  
21 61,403 GG (135.36 LBS) of suspected Cocaine and a total of 51,833 GG (114.27 LBS) of  
22 suspected Methamphetamine were collected from the CMV.

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## **CONCLUSION**

18. Based on the foregoing facts and evidence, I believe that probable cause exists to believe that HASEEB UR REHMA MALIK ("Malik") and ABDUL MAJID ("Majid") did commit the following offense which violates federal criminal law, specifically, Possession with the Intent to Distribute a Controlled Substance—Cocaine and Methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(ii)(II) and (viii).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

  
Karen Rossi, Special Agent  
Drug Enforcement Administration

SUBSCRIBED and SWORN to before me on  
this 25 day of July, 2018.

Wm. G. Cobb  
HONORABLE WILLIAM G. COBB  
UNITED STATES MAGISTRATE JUDGE